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REMARKS/ARGUMENTS

Claims 1-30 were pending in this application.

Claims 1-5, 14-17 and 27-28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sunderland et al. WO92/17226 A ("Sunderland"). Claims 1 and 27 stand rejected under 35 U.S.C. 102(b) as being anticipated by Miles et al. US2002/0120229A1 ("Miles"). Claims 18-19 and 29 stand rejected under 35 U.S.C. 102(b) as being anticipated by Cedarberg US 2002/0096608A1.

Claims 6-13, 18-26 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sunderland et al. in view of Cedarberg. Claims 20-21 and 23-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cedarberg in view of Herlevi US 6,109,460. Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Cedarberg in view of Meinzer et al. US 5,782,805 (Meinzer). Claim 30 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Cedarberg in view of Stone et al. US 5,401,256 (Stone).

With respect to the 102 rejection based on Sunderland, Applicants respectfully disagree with the Examiner's assertion that the tube channel 14 is considered two separate snaps broken by a compartment for the pinch clamp 15. This reading is contrary to the teaching of the reference itself, which refers to the channel in a singular manner with a single reference numeral.

Nevertheless, claims 3, 27 and 29 have been cancelled, making their rejection moot. Claims 28 and 30 have been amended to depend from claim 1.

Claim 1 has been amended to recite that "the tube snap set includes an inboard tube snap and a outboard tube snap non-coaxial with and radially spaced from the inboard tube snap, the tube snap set being adapted to receive and slidably retain a slack portion of the tube set between the inboard tube snap and the outboard tube snap such that the retained slack portion is adjustable in length." The tube channel 14 of Sunderland is not a tube snap set separated into inboard and outboard slots/snaps that are radially spaced and non-coaxial. The tube channel 14 has a singular central axis that follows the central axis of the tubing. Likewise, Miles discloses a single slot/snap for receiving a section of tubing and deforming it to open an occlusion valve disposed therein. Thus, Sunderland and Miles fail to anticipate the invention as claimed in amended claim 1.

With respect to the 102 rejection of claims 18 and 19, Cedarberg discloses an IV stand cord or tube holder 12, 44 that rotatably mounts to a pole and merely rests on top of a pump 30. See paragraphs [0015 and [0017]. To the extent Cedarberg discloses a pump with tube hanger, it fails to disclose that the tube hanger is "attached to a wall of the pump below the user interface screen of the pump". Thus, Cedarberg fails to anticipate amended claim 18 or claim 19, which depends from claim 18.

With respect to the 103 rejection of claims 6-13 and 18-26 based on Sunderland in view of Cedarberg, Sunderland fails to show or suggest the radially spaced and non-coaxial inboard and outboard snaps of the tube snap set of claims 6-13. Cedarberg fails to cure this shortcoming and further teaches away from the tube hanger being attached to the pump as required by claim 6 and 18. Cedarberg and the other prior art of record also fails to show or suggest "a housing recess located behind the hook of the tube hanger" (claims 10, 11, 23 and 24) or "an insertion gap adapted to permit a slack portion of the tube set to be snappingly passed therethrough" (claims 12, 25 and 26). Claims 20 and 21 have been cancelled without prejudice.

With respect to the other Cedarberg-based 103 rejections, Herlevi, Meinzer and Stone fail to specifically teach that the tube hanger is attached to a wall of the pump below the user interface screen and the other features mention in the previous paragraph. Stone shows a free-flow preventing slide clamp which is not particularly relevant to the present invention. Herlevi makes no specific suggestion about where to attach the cable/tubing suspension rack disclosed. Meinzer and the photograph of the Baxter Colleague pump submitted specifically teach away from locating tube handling structures below the user interface screen. The slot 27 shown by Meinzer is not remote from the pumping mechanism. Thus, claims 23-26, 22 and 30 are believed to be patentable over the prior art of record.

New independent claims 31 and 32 are submitted to more distinctly claim and specifically recite certain features of the present invention that are not shown or suggested by the prior art. Claim 31 recites, among other things, that the tube snap set is "on a handle portion of the pump housing". Having the tube snap set on the handle provides unexpected results and advantages. The user can grasp the handle in one hand and the tube in the other hand to adjust the length of the slack portion of the tube easily. The user can also use their thumb to push or hold the looped slack portion of tubing in one or more of the grooves while holding the pump by the handle with their fingers. New claim 31 is supported by original claim 2 and the original description on pages 7 and 8. Claim 32 recites, among other things, that the tube hanger "hook has a proximate end attached to the main arm and a distal end

positioned relative to the pump housing so as to define an insertion gap that permits a slack portion of the tube set to be snappingly passed therethrough". New claim 32 is supported by original claims 12 and 25, as well as pages 10-11 of the specification. Thus, no new matter has been added.


Independent claims 27 and 29 have been cancelled in order to make room for new independent claims 31 and 32. Thus, no additional fees or requests for extensions of time are believed to be due with this paper; however, the Commissioner is authorized to consider this a request for any extension of time necessary and charge our Deposit Account 50-3118 for any additional fees (or credit any over payments) that may be required in association with this communication.

Applicants respectfully request consideration of this application and a Notice of Allowance.

Respectfully submitted,
M. A. Fathallah et al.

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HOSPIRA, INC.
Telephone: (224) 212-2889
Facsimile: (224) 212-2088


Michael R. Crabb
Registration No. 37,298
Attorney for Applicants